

## HOUSE BILL NO. 438

INTRODUCED BY BUZZAS, LEWIS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING BRAILLE SERVICES TO A BLIND OR VISUALLY IMPAIRED CHILD; DETERMINING THE NEED FOR BRAILLE INSTRUCTION; ~~REQUIRING A TEACHER, SPECIALIST, OR PARAPROFESSIONAL TO DEMONSTRATE SKILLS AND KNOWLEDGE IN READING AND TEACHING BRAILLE BY PASSING AN EXAMINATION OR COMPLETING AN ACCREDITED BRAILLE CLASS OR PROGRAM;~~ REQUIRING THE BOARD OF PUBLIC EDUCATION TO ADOPT STANDARDS FOR PERSONNEL WHO PROVIDE BRAILLE INSTRUCTION; REQUIRING A SCHOOL DISTRICT TO ~~CONSIDER THE AVAILABILITY OF ELECTRONIC VERSIONS OF TEXTBOOKS IN THE SELECTION OF TEXTBOOK PUBLISHERS AND TO PROVIDE BRAILLE EQUIPMENT TO PRODUCE BRAILLE ONSITE~~ ENSURE THE AVAILABILITY OF TEXTBOOKS THAT COMPLY WITH FEDERAL LAW IN A TIMELY MANNER; REQUIRING ~~THE OFFICE OF PUBLIC INSTRUCTION~~ MONTANA SCHOOL FOR THE DEAF AND BLIND TO ESTABLISH A BRAILLE ELECTRONIC EQUIPMENT LOAN PROGRAM; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-7-602, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Article X, section 1(1), of the Montana Constitution establishes the state's goal of providing a system of education that will develop the full educational potential of each person and guarantees equality of educational opportunity to each person; and

WHEREAS, according to an article in a 1998 edition of Star Student, a preliminary study evaluating the correlation between adult literacy skills and employment conducted by Dr. Ruby Ryles, the founding coordinator of the master's program in orientation and mobility at the Louisiana Tech University, found that in a study of 74 adults who were born legally blind and were patrons of the Library for the Blind, 44% of the participants who had learned to read in Braille were unemployed, while those who had learned to read using print had a 77% unemployment rate; and

WHEREAS, the preliminary unemployment results prompted Dr. Ryles to conduct a study to establish the correlations between present literacy rates and the early reading education by comparing the results of 45 legally blind high school students from 45 cities, towns, and rural communities in 11 eastern and southern states with those of 15 sighted students attending the same schools as the legally blind students; and

WHEREAS, Dr. Ryles discovered that early Braille readers outperformed sighted students in vocabulary

1 by a 5% margin on the comprehension, vocabulary, and other subtests of the Stanford achievement test and  
2 nearly matched their sighted classmates on the Woodcock Johnson R (revised) test; and

3 WHEREAS, in the capitalization and punctuation portion of the Woodcock Johnson R (revised) test,  
4 early Braille reading students who received Braille instruction 4 to 5 days each week in the 1st through 3rd  
5 grades produced a mean score that was 7 percentage points higher than their sighted classmates, 25  
6 percentage points higher than students who received Braille instruction fewer than 4 days each week, and 42  
7 percentage points higher than their legally blind classmates who received no Braille instruction; and

8 WHEREAS, in the spelling portion of the Woodcock Johnson R (revised) test, early Braille learners  
9 averaged 1 percentage point higher than fully sighted readers, 32 percentage points higher than students who  
10 received Braille instruction fewer than 4 days each week in 1st through 3rd grades, and 38 percentage points  
11 higher than legally blind students who received no instruction in reading Braille; and

12 WHEREAS, the studies performed by Dr. Ryles lead to the inescapable conclusion that early Braille  
13 education is crucial to literacy and that literacy is crucial to employment.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16  
17 NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Blind Persons'  
18 Literacy Rights and Education Act".

19  
20 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context requires  
21 otherwise, the following definitions apply:

22 (1) "Blind or visually impaired child" means an individual who is eligible for special education services  
23 and who:

24 (a) has a visual acuity of ~~20/200~~ 20/70 or less in the better eye with correcting lenses or has a limited  
25 field of vision such that the widest diameter subtends an angular distance of no greater than 20 degrees; or

26 (b) has a medically indicated expectation of visual deterioration THAT WOULD QUALIFY THE CHILD AS HAVING  
27 A VISUAL ACUITY AS DESCRIBED IN SUBSECTION (1)(A).

28 (2) "Braille" means the system of reading and writing through touch, commonly known as standard  
29 English Braille.

30 (3) "Individualized education program" means a written statement developed for a student eligible for

special education services pursuant to the Individuals With Disabilities Education Act, 20 U.S.C. 1401(11).

~~(4) "Paraprofessional" means a person working with students in a public school who is not certified under Title 20, chapter 4, part 1.~~

~~——— (5) "Textbooks" means any literary or nonliterary works obtained for use in a course of study.~~

**NEW SECTION. Section 3. Individualized education program for child with blindness.** ~~(4) The individualized education program for each blind or visually impaired child must provide for instruction in Braille and the use of Braille unless the individualized education program team determines, after an evaluation of the blind or visually impaired child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the blind or visually impaired child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the blind or visually impaired child.~~

~~——— (2) This section does not require the exclusive use of Braille if other special education services are appropriate to the blind or visually impaired child's educational needs and if providing other appropriate services does not preclude the use of Braille or Braille instruction.~~ BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ.

**NEW SECTION. Section 4. Standards of competency and instruction.** ~~(4) Instruction in Braille reading and writing must be sufficient to enable each blind or visually impaired child to communicate effectively and efficiently with the same level of proficiency expected of the blind or visually impaired child's peers of comparable ability and grade level.~~

~~——— (2) The blind or visually impaired child's individualized education program must specify:~~

~~——— (a) the results obtained from the evaluations required under [section 3];~~

~~——— (b) how Braille will be implemented as the primary mode for learning through integration with other classroom activities;~~

~~——— (c) the date on which Braille instruction will commence;~~

~~——— (d) the length of the period of instruction and the frequency and duration of each instructional session;~~

~~——— (e) the level of competency in Braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used; and~~

~~——— (f) if a decision has been made under [section 3] that Braille instruction or use is not required for the blind or visually impaired child. The decision must be documented by a written statement that:~~

1 ~~\_\_\_\_\_ (i) the decision was reached after a review of pertinent literature describing the educational benefits of~~  
2 ~~Braille instruction; and~~

3 ~~\_\_\_\_\_ (ii) specifies the evidence used to determine that the blind or visually impaired child's ability to read and~~  
4 ~~write effectively without special education services is not impaired. PROVIDED IN ACCORDANCE WITH THE~~  
5 ~~REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ.~~

6  
7 **NEW SECTION. Section 5. Instructional materials and Braille equipment -- Braille equipment loan**  
8 **program.** ~~(1) The publisher of textbooks, including text in electronic media, sold to the state or any local~~  
9 ~~education agency shall furnish an electronic version in which the content:~~

10 ~~\_\_\_\_\_ (a) is encoded in text suitable for conversion into Braille or synthesized speech; and~~

11 ~~\_\_\_\_\_ (b) has been prepared using a markup language that maintains the structural integrity of the information~~  
12 ~~and that can be processed by Braille translation software.~~

13 ~~\_\_\_\_\_ (2) If a school district has a student whose individual education program specifies the inclusion of~~  
14 ~~Braille, the district shall ensure that Braille can be produced within the district and shall provide the student with~~  
15 ~~a Braille note-taking machine or similar electronic equipment.~~

16 ~~\_\_\_\_\_ (3) The office of public instruction MONTANA SCHOOL FOR THE DEAF AND BLIND shall establish a Braille~~  
17 ~~electronic equipment loan program that may be used by a school district to provide Braille equipment as~~  
18 ~~specified in a student's individualized education program. THE EQUIPMENT MUST BE LOANED ON A TEMPORARY BASIS~~  
19 ~~TO A SCHOOL DISTRICT, BUT THE DISTRICT IS RESPONSIBLE FOR PURCHASING LIKE EQUIPMENT REQUIRED BY THE~~  
20 ~~STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.~~

21  
22 **NEW SECTION. Section 6. Personnel training.** ~~In order to teach Braille to a blind or visually impaired~~  
23 ~~child, a teacher, specialist, or paraprofessional shall demonstrate skills and knowledge in reading and teaching~~  
24 ~~Braille by passing an examination based upon the standards adopted by the national library service for the blind~~  
25 ~~and physically handicapped or by completing an accredited Braille class or program. THE BOARD OF PUBLIC~~  
26 ~~EDUCATION SHALL ESTABLISH STANDARDS TO ENSURE THAT INDIVIDUALS WHO PROVIDE BRAILLE INSTRUCTION ARE~~  
27 ~~APPROPRIATELY TRAINED AND SUPERVISED.~~

28  
29 **Section 7.** Section 20-7-602, MCA, is amended to read:

30 **"20-7-602. Textbook selection and adoption -- definition.** (1) Textbooks ~~shall~~ must be selected by

the district superintendent or by the school principal if there is no district superintendent. ~~Such~~ The selections shall ~~be~~ are subject to the approval of the trustees. In districts not employing a district superintendent or principal, the trustees shall select and adopt the textbooks on the basis of recommendations of the county superintendent.

(2) In selecting textbooks, the district shall:

~~—— (a) select an electronic version of a textbook from which Braille versions can be produced if the electronic version meets the textbook selection criteria established by the district; and~~

~~—— (b) ensure that the file format for Braille books is the national instructional materials accessibility standard.~~

~~—— (3) As used in this section, "national instructional materials accessibility standard" means a file format known as the daisy-NISO format used internationally for disabled readers.~~ ENSURE THAT THE MATERIALS ARE MADE AVAILABLE TO EACH BLIND AND VISUALLY IMPAIRED CHILD IN A TIMELY MANNER IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ."

**NEW SECTION. SECTION 8. APPROPRIATION.** THE FOLLOWING MONEY IS APPROPRIATED FROM THE GENERAL FUND TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND TO ESTABLISH A BRAILLE EQUIPMENT LOAN PROGRAM AND TO PROVIDE FOR EXPANSION OF THE OUTREACH PROGRAM TO ASSIST PUBLIC SCHOOL DISTRICTS IN CONFORMING WITH THE REQUIREMENTS OF THE BLIND PERSONS' LITERACY RIGHTS AND EDUCATION ACT:

<u>FISCAL YEAR 2006</u>	<u>\$244,273</u>
<u>FISCAL YEAR 2007</u>	<u>\$195,731</u>

**NEW SECTION. Section 9. Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 20, chapter 7, part 4, and the provisions of Title 20, chapter 7, part 4, apply to [sections 1 through 6].

**NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 2005.

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